THE HON'BLE SRI JUSTICE N.V. RAMANA

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Writ Petition No.25665 of 2003

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Dated: 20.04.2006

Between:

K.H. Veerabhadra Raju, S/o K. Narayuana, Contract Labour under B.P.Ms. No. 36, dated 18.05.1997, R/o H.No. 4-8-21/1, Manjeeranagar, Sangareddy, Medak District.

..... PETITIONER

AND

The A.P. Central Power Distribution Company Ltd., rep. by its Chairman and Managing Director, Singareni Bhavan, Hyderabad and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

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Writ Petition No.25665 of 2003

Order: (on being mentioned)

Seeking a writ of mandamus, declaring the action of respondent No.2 in rejecting the case of the petitioner for absorption in the post of L.D.C. vide his proceedings dated 21.11.2003, as illegal and arbitrary, and consequently to set aside the same and direct the respondents to absorb the petitioner in the post of LDC, the present writ petition is filed.

The second respondent filed detailed counter affidavit stating that as per the Service Certificate produced by the petitioner, he worked as contract labour from 15.04.1996 to 15.06.1997 with
M/s. Manjeera Electricals and Mechanical Engineering Contractors, Sangareddy, but on verification of records by the Vigilance Cell, it was found that the petitioner during 1996 and 1999, prosecuted and passed B.Com. Degree course, and as such, the contention of the petitioner that he worked with M/s. Manjeera Electrical and Mechanical Engineering Contractors, Sangareddy, from 15.04.1996 to 15.06.1997, cannot be accepted, and as the Service Certificate produced by him was a false one, respondent No.2 rejected the request of the petitioner.

This Court, taking into consideration the stand taken by the respondents, by order dated 10.03.2006, disposed of the writ petition directing the petitioner herein to approach the Labour Court to prove his case that the Service Certificate produced by him is genuine one to enable the respondents to consider his case for absorption in the post of LDC/Typist.

This Court based on the stand taken by respondent No.2 passed the above order on the presumption that the petitioner prosecuted and passed B. Com. Degree course as a regular student, and as such, he could not have worked with M/s. Manjeera Electrical and Mechanical Engineering Contractors, Sangareddy. But it appears that the petitioner prosecuted and passed B.Com. Degree course by attending the evening college. Therefore, the matter was directed to be listed “For Being Mentioned”.

The learned counsel for the petitioner submits that the petitioner while working with the Contractor as casual labour studied B.Com Degree course in Tara Government College, Sangareddy, Medak District, which is an Evening College. He further submitted that in similar circumstances, this Court, in W.P. No.26343 of 2003 and in W.P. No.17163 of 2002 and batch observed that the action of the respondents in rejecting the cases of the petitioners therein based on the report of the Vigilance Cell of the Company, is illegal and arbitrary, and directed the respondents to consider the cases of the petitioners for absorption in suitable posts.

In the instant case, even though the petitioner produced relevant material showing that he worked with M/s. Manjeera Electrical and Mechanical Engineering Contractors, Sangareddy, during the period from 15.04.1996 to 15.06.1997, the

respondents, based on the report of the Vigilance Cell and on the ground that the petitioner is a regular student at that particular period, rejected the case of the petitioner. Inasmuch as it is the case of the petitioner that while studying in an Evening College, he worked as contract labour with M/s. Manjeera Electrical and Mechanical Engineering Contractors, Sangareddy, the action of respondent No.2, rejecting the case of the petitioner for absorption into a suitable post is illegal. Having regard to the present stand taken by the learned counsel for the petitioner and relying on the judgments of this Court, I deem it appropriate to dispose of the writ petition with the following direction.

The petitioner is directed to produce relevant certificates and material from the College, where he studied during the period in question, to prove that he studied in the evening college. On production of the said certificates and material, the respondents are directed to reconsider the case of the petitioner for absorption in any suitable post notwithstanding the earlier objections taken by them.

With the above direction, the writ petition is disposed of. No costs.

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N.V. RAMANA, J.

Date: 20.04.2006

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